

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicants submission filed on 6/4/09 has been entered. MPEP 7.42.04

Amendment

2. The amendments filed on 6/4/09 and 7/27/09 (supplemental amendment) have been entered.

Status of claims

3. Claims 1-98 have been canceled.
New Claims 99-114 have been added and are under examination.
4. In view of cancellation of claims 99-114, all the rejections of record are moot.

Reasons for allowance

5. The claimed invention is related to isolated *S. pneumoniae* polypeptide, Sp2216 consisting of amino acids 1-285 of SEQ.ID.NO:243 and fragments of said sequence. There is no prior art which is obvious or teaches or suggests the claimed SEQ.ID.NO:243 and fragments thereof. The claimed fragments, 15-37, 32-57, 101-151, 115-135, 138-158, 152-172, 220-242 or 236-258 of SEQ ID NO. 243 were selected based on their reactivity with the sera from infected individuals, which were included in the serum pools used for preparations of IgG screening reagents for bacterial surface display (see Tables 1 and 2). Therefore, the claimed polypeptide consisting of 1-285 of SEQ.ID.NO:243 and fragments of said sequence are useful for diagnosis of *S. pneumoniae* infection and invasive pneumococcal diseases.

Conclusion

6. Claims 99-114 are allowed and are numbered as 1-16 respectively.
7. Papers related to this application may be submitted to Group 1600, AU 1645 by facsimile transmission. Papers should be transmitted via the PTO Fax Center, which receives transmissions 24 hours a day and 7 days a week. The transmission of such papers by facsimile must conform to the notice published in the Official Gazette, 1096 OG 30, November 156, 1989. The Right Fax number is 571-273-8300.
- Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PMR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through

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Private PAIR only. For more information about the PMR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PMR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Padma Baskar Ph.D., whose telephone number is ((571) 272 0853. A message may be left on the Examiner's voice mail system. The Examiner can normally be reached on Monday to Friday from 6.30 a.m. to 4.00 p.m. except First Friday of each bi week.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Mondesi can be reached on 571) 272-0956.

Respectfully,
/Padma Baskar /
Examiner, Art Unit 1645

/Robert B Mondesi/
Supervisory Patent Examiner, Art Unit 1645